

*REBECCA KLUG v.*  
*MARSHALL UNIVERSITY BOARD OF GOVERNORS, et al.*

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*REBECCA KLUG*  
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1 time that I could do it outside of work. So I needed to  
2 leave work for -- which also, the counseling center was  
3 part of the hospital.  
4 Q Okay. So your request was for time off to go to  
5 counseling?  
6 A Right.  
7 Q It wasn't saying, "I want you to be aware that I  
8 as a resident am suffering from a medical condition of  
9 depression or anxiety"?  
10 A Correct.  
11 Q In fact, it was whatever your husband was going  
12 through, and not you, is why you needed time off to go to  
13 counseling?  
14 A Correct. But also later on, you know, it was  
15 brought up. I did bring it up at some point that I had,  
16 you know, a past -- I had some depression in the past.  
17 Q Do you remember when you brought it up? And to  
18 who?  
19 A I brought it up to Donna Webb the first time.  
20 And I do not recall the first time that I brought it up to  
21 her.  
22 Q Did you bring it up -- Who is Donna Webb?  
23 A I'm sorry?  
24 Q Who is Donna Webb?

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1 A Donna Webb was -- I'm not sure if she is still  
2 now -- program coordinator for the general surgery  
3 program.  
4 Q When you brought it up to her, did you bring it  
5 up to her as a friend, or were you informing her as a  
6 representative of the residency program that this is a  
7 medical condition you had?  
8 A It was more so in a -- I'm coming to you for --  
9 I needed to come to her for some advice, and I needed some  
10 help with some other things. And also I needed, you know,  
11 to say I needed some time to get an appointment, and, yes,  
12 I've had some depression and anxiety in the past.  
13 Q Okay. And so at that point did you feel like  
14 you had let the Marshall University residency program know  
15 that you had this condition of depression and anxiety?  
16 A Yes, because I did know, even though she -- the  
17 relationship with Donna Webb was such that it was -- it  
18 could be somewhat informal, or she did -- had a sense that  
19 she cared for us like her kids, and she would often refer  
20 to us as such. You know, I would always know full well  
21 that, you know, she had that position, and that anything I  
22 said to her was also informing her position as well.  
23 Q When you spoke to Donna Webb, were you asking  
24 for an accommodation of some sort?

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1 A I do believe it was for an appointment, for a  
2 time -- to make sure that I could go to my appointment.  
3 Go to an appointment.  
4 Q But it wasn't for an accommodation regarding  
5 your duties and responsibilities or obligations as a  
6 resident?  
7 A Well, that would be that I needed to be relieved  
8 for some time from the ICU to go to an appointment.  
9 Q Well, about the same as me taking my kids out of  
10 school to go to the dentist. I mean, was it similar to  
11 that? You're asking to be relieved for one specific  
12 period of time to go to a specific appointment, correct?  
13 A Yes.  
14 Q What I'm asking is: Did you ever make a request  
15 and say, "You know what, I've got depression and anxiety  
16 such that here is the constellation of my duties. I've  
17 got to make rounds, got to go to education, I can't do the  
18 following things because of my depression and anxiety"?  
19 Did you ever let them know that?  
20 A No. And I never felt that it became a problem  
21 that I needed to -- I never felt that there was a -- that  
22 my depression or anxiety was such that I could not do my  
23 work.  
24 Q Okay. So assuming Marshall University School of

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1 Medicine's position regarding the residency is that you  
2 didn't get your job done, the things you didn't do, you're  
3 not going to say it was because of my depression and  
4 anxiety?  
5 A I'm sorry. Repeat?  
6 Q Yeah. Assume for me that it's the position of  
7 the defendants in this case that you were not renewed as a  
8 resident because you didn't meet certain criteria, or you  
9 didn't do your job like they wanted you to do, in laymen's  
10 terms. You're not going to attempt to say the reason that  
11 you may not have met those obligations is because you were  
12 suffering from anxiety or depression?  
13 A I'm not understanding what you're referring to.  
14 Q Let me ask you this. You just said, did you  
15 not, that your anxiety and depression didn't keep you or  
16 hinder you from doing any of your obligations as a  
17 resident under the residency program at Marshall  
18 University. Right?  
19 A No. When you asked me if I had to take -- when  
20 I brought it to the attention of -- at what point did I  
21 bring it to the attention of Donna -- the Department, that  
22 I had depression and anxiety, was I just -- was I  
23 informing them? Was I asking for accommodations?  
24 I said I was just informing them. Because at

<div>Page 37</div> <div>1 A He became nationalized, I believe, in 2005.</div> <div>2 Q What does that mean?</div> <div>3 A Nationalized citizen in 2005.</div> <div>4 Q What does that mean?</div> <div>5 A That means became a U.S. citizen in 2005.</div> <div>6 Q Was that through application of some sort?</div> <div>7 A Yes.</div> <div>8 Q When did you get married?</div> <div>9 A In 2003.</div> <div>10 Q Okay. Was he nationalized because of the</div> <div>11 marriage? Is that --</div> <div>12 A Well, I applied for his -- I applied for his</div> <div>13 naturalization, to sponsor him for naturalization.</div> <div>14 Q But was that something he was already doing</div> <div>15 before you met him?</div> <div>16 A No, he was on a student visa when I met him.</div> <div>17 Q Was he a student?</div> <div>18 A Yes.</div> <div>19 Q So he was still in undergrad?</div> <div>20 A Yes.</div> <div>21 Q And then he applied for medical school at some</div> <div>22 point?</div> <div>23 A When he was a citizen.</div> <div>24 Q I know, but at some point he applied for medical</div>	<div>Page 39</div> <div>1 counseling before you started your residency?</div> <div>2 A No.</div> <div>3 Q And my understanding is at some point he took</div> <div>4 his own life?</div> <div>5 A Yes.</div> <div>6 Q And you are the one that found him?</div> <div>7 A Yes.</div> <div>8 Q -- on the details. Did you have any idea that</div> <div>9 was coming?</div> <div>10 A No.</div> <div>11 Q Did he leave a note or anything?</div> <div>12 A No.</div> <div>13 Q Do you have any explanation for why it happened?</div> <div>14 A No.</div> <div>15 Q Before that event, did you have any suspicion</div> <div>16 that that could happen?</div> <div>17 A No.</div> <div>18 Q Other than the times you asked off work to go to</div> <div>19 specific appointments regarding counseling, had you</div> <div>20 requested any other time off because of issues with your</div> <div>21 relationship with your husband before that?</div> <div>22 A No.</div> <div>23 Q Was there ever a point in time where you guys</div> <div>24 separated?</div>
<div>Page 38</div> <div>1 school?</div> <div>2 A Yes.</div> <div>3 Q Okay. And maybe you don't have an understanding</div> <div>4 of this. I'm just trying to get an understanding of --</div> <div>5 Would his visa eventually have run out had you not married</div> <div>6 him because -- if he didn't remain a citizen?</div> <div>7 A He didn't remain a citizen?</div> <div>8 Q No, if he didn't remain a student. I'm sorry.</div> <div>9 A Well, he was on a student visa.</div> <div>10 Q Okay.</div> <div>11 A So remaining on a student visa is how he would</div> <div>12 stay in the country. So he -- If he -- But he remained on</div> <div>13 a student visa throughout the entire time I knew him.</div> <div>14 Q Okay.</div> <div>15 A We were best friends for eight years. We dated</div> <div>16 for two years. We married. And he still is a student. I</div> <div>17 was a student.</div> <div>18 Q Got it.</div> <div>19 A And at that point, it only made sense to apply</div> <div>20 for a naturalization.</div> <div>21 Q Got it. And did you guys have any marital</div> <div>22 counseling before you started your residency?</div> <div>23 A No.</div> <div>24 Q Was he going through any kind of personal</div>	<div>Page 40</div> <div>1 A No.</div> <div>2 Q During the entire course of your marriage, you</div> <div>3 always lived in the same household?</div> <div>4 A When I was at WVU for a rotation, I was in a</div> <div>5 dorm there for a month. He stayed in Huntington.</div> <div>6 Q I'm sure that was a lovely month, being in a</div> <div>7 dorm.</div> <div>8 A It was awful. But I was always at the hospital.</div> <div>9 And when I was at Ohio University for -- I believe it was</div> <div>10 an eight weeks' summer program for the med school there --</div> <div>11 I was in the dorms there, and he stayed here in</div> <div>12 Huntington. Come home on the weekends.</div> <div>13 Q Okay. And I don't mean to put words in your</div> <div>14 mouth, but I imagine the event and his suicide was pretty</div> <div>15 traumatic?</div> <div>16 A Very much so.</div> <div>17 Q And did it affect your ability to be a resident?</div> <div>18 A No.</div> <div>19 Q How did it impact you, if at all, in terms of</div> <div>20 your emotional state or how you functioned, that kind of</div> <div>21 thing?</div> <div>22 Let me strike that question.</div> <div>23 If you're willing -- you may have answered it.</div> <div>24 His death, although a tragic event, and I'm sure</div>

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1 traumatic, didn't affect in any form or fashion how you  
 2 were a resident or the residency program?  
 3 A Well, I mean, it did affect -- I'm sorry -- How  
 4 I was a resident?  
 5 Q Well, your performance.  
 6 A I don't know how to answer that actually. I  
 7 mean, how does it affect one's performance?  
 8 Okay. I can't answer that specifically with --  
 9 Let's say -- Okay. I was -- Let me give you examples, I  
 10 suppose. That would be my best way.  
 11 I was, you know, when I came back after two  
 12 weeks or so off, I still was able to run traumas. My  
 13 first trauma back was a self-inflicted gunshot wound to  
 14 the head. I managed to deal with the trauma. Of course,  
 15 afterwards I would, you know -- afterwards I would have to  
 16 go back to the room, the call room, and I would be  
 17 emotional. Have to take some time. You know, I would get  
 18 through the trauma.  
 19 Yes, doing paperwork, I was -- it did take me  
 20 longer to do paperwork, because I was -- I would feel  
 21 that -- I mean, I definitely was somewhat slower doing  
 22 paperwork. I noticed that when I came back, because  
 23 things would pop in my head through the day. So my -- as  
 24 I was doing it through the day, it was definitely -- my

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1 workload was slower.  
 2 My ability to tolerate the work hours was less.  
 3 My threshold was lower as far as the point at which I  
 4 would get frustrated.  
 5 Q Okay.  
 6 A With the situation.  
 7 Q Okay.  
 8 A So, yes, it did impact. I apologize.  
 9 Q Well, as you sit here today, can you think of  
 10 any duties that you were required to do as a resident that  
 11 you didn't do because of your grief, or how you handled  
 12 the trauma of your husband's death?  
 13 A That I didn't do?  
 14 Q Yeah.  
 15 A No. I still would manage to do the complete --  
 16 the tasks that I needed to complete. Again, patient  
 17 notes, I would have to do every morning. I would get them  
 18 done. It would be slower.  
 19 For example, if our nurse practitioner would  
 20 come in, normally we would have the morning notes done  
 21 before she got there. And during that time, I would only  
 22 have half the notes done by the time she got there, and  
 23 she would help me with the rest. And I thought that was  
 24 fine, because that was part of her job too. And I thought

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1 it was expected that I would come back and be a little bit  
 2 slower on paperwork.  
 3 I showed up to work when I was supposed to. I  
 4 did the assigned tasks that were required.  
 5 Q Okay. What month and year was it that your  
 6 husband passed?  
 7 A May 12th, 2015.  
 8 Q Okay. And so you don't dispute that members of  
 9 the Marshall University School of Medicine or the  
 10 residency program had some criticisms of you that they  
 11 shared or expressed with you, right?  
 12 A At what point?  
 13 Q At any point.  
 14 A Oh, we were all -- all residents received  
 15 evaluations on a monthly basis. So, yes, I did receive  
 16 evaluations on a monthly basis. So, yes, I did have  
 17 some -- I had evaluations and I had criticisms, yes.  
 18 Q Okay. Any criticism that you can sit here and  
 19 relate -- Is there any criticism that you believe was  
 20 offered to you by the residency program that you believe  
 21 is excused by the fact that you were dealing with this  
 22 traumatic event?  
 23 You've already talked about some of it, the late  
 24 paperwork and things like that. Anything else?

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1 A Excused by?  
 2 Q Maybe "explained by" is a better phrase.  
 3 A Well, I will say that there -- on May 12th,  
 4 2015, when I left that day, typically when -- I was on ICU  
 5 that month, Cabell. So typically when you leave, you  
 6 know, you have a bunch of orders that you have done for  
 7 the day, or notes that you're completing, and that you  
 8 still have to -- the following day to sign off on, or  
 9 whatever, after they get transcribed, that you dictated,  
 10 different things. And as, you know, over the next couple  
 11 of days, those things will pop up in your file. And then  
 12 you will have to sign off on them.  
 13 Well, of course, I -- being that, you know, I  
 14 went home and found him, and then obviously was going to  
 15 be not doing any of my documentation, you know, that night  
 16 when everybody showed up at the house -- and I mean  
 17 everybody -- Denning, Moz -- Mozaffari, Donna Webb and  
 18 others -- you know, they made it clear to me, don't worry  
 19 about any of your documentation, we'll take care of it,  
 20 other residents will take care of it -- don't worry about  
 21 logging in. We'll make sure everything is taken care of.  
 22 So, yes, there was likely lots of documentation  
 23 that wasn't completed. And as the months went on, I  
 24 was -- I did receive a lot of like alerts in my in-boxes

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1 sense of a pornography? Is that what you're asking?  
2 Q Wait a second. You're telling me that the  
3 offensive and sexually explicit video was a trailer for a  
4 show that they put on regular TV?  
5 A A movie.  
6 Q Correct.  
7 A It's not on regular TV. It's a movie.  
8 Q But they've aired it on like syndicated like  
9 regular TV?  
10 A Edited.  
11 Q Well, did the trailer show -- I find it hard to  
12 believe the trailer showed nudity. Did it?  
13 A I didn't watch it.  
14 Q Then how could you be offended by it, young  
15 lady?  
16 A I find that to be inappropriate, you saying  
17 that.  
18 Q But you didn't watch it, did you? You just  
19 said --  
20 A You said "young lady." That's inappropriate.  
21 Q Did you take it back? Oh, you think my calling  
22 you a young lady is inappropriate?  
23 A Yeah.  
24 Q Okay. Okay. And you think that the trailer was

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1 inappropriate to be shown that?  
2 A Yeah.  
3 Q Okay. But you didn't watch it, did you?  
4 A I knew what it was.  
5 He also watched videos with, like, women hardly  
6 dressed, dancing. And sexually -- like inappropriate  
7 manners.  
8 Q Did you watch those?  
9 A They were on the screen in the room. I could  
10 see them.  
11 Q Did you go to see Fifty Shades of Gray?  
12 A No.  
13 Q Did you read the book?  
14 A No.  
15 Q Why not?  
16 A It's not my interest.  
17 Q Do you find it offensive?  
18 A No.  
19 Q You don't find it offensive?  
20 A No.  
21 Q Well, this is from your complaint.  
22 "For example, in the call room, male residents  
23 would watch offensive and sexually explicit videos."  
24 I asked you, was it Fifty Shades of Gray, and

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1 you said yes. You think the trailer is offensive, but the  
2 content isn't offensive?  
3 A You asked me if I thought it was offensive.  
4 Personally, as a human being, outside of -- at work, at  
5 work, it is offensive. At work it is inappropriate.  
6 Q And I understand how you may think that, but was  
7 it intended -- What evidence do you have that it was shown  
8 with the intent to discriminate against you in some form  
9 or fashion?  
10 A It was shown when I'm the only female in the  
11 room.  
12 Q Okay. Do you know whether such videos were ever  
13 shown when the other ladies were in the room?  
14 A I would not know, because I've not asked anyone.  
15 I did not speak to anyone about it.  
16 Q Okay. So you can't say that it was shown for  
17 the purpose of discriminating against you if you don't  
18 know how the other women -- whether they were ever shown  
19 it, right?  
20 A That's not what I'm -- I'm not going to answer  
21 that question.  
22 Q You are suing for discrimination, right? For  
23 gender discrimination?  
24 A One of the claims.

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1 Q That means you're treated differently than men,  
2 correct?  
3 A Correct.  
4 Q Can we agree that if other women are treated the  
5 same as you, and you're discriminated against and they're  
6 discriminated against, then all women who are in a similar  
7 class are discriminated against?  
8 A Look, this is one area that created an entire  
9 atmosphere. Marco created this entire -- was one part of  
10 this entire atmosphere. This environment.  
11 Q -- created the environment for all the women  
12 residents. Why just you?  
13 A Well, I will tell you that Katy Blair  
14 participated and enjoyed that environment, okay?  
15 And Stacy Jones did have quite a few problems  
16 with Marco. So there was quite a few issues with that.  
17 And I don't know about other female residents.  
18 Q What other female residents would there have  
19 been? I thought there were only three.  
20 A No, I didn't say that.  
21 Q Okay. What other female residents were there at  
22 the time?  
23 A Kellyann Vandendool. Amy Bair was there the  
24 first year; she was a PGY5. She was Pentecostal, so